

But not enough states have done so. Since Constitutional considerations prohibit the federal government from directing states to enact traffic laws, we at the federal level can only give states funding incentives to act with regard to passenger vehicle drivers. That is why I am today introducing the Distracted Driving Prevention Act of 2009.

First, this legislation would create a grant program to send money to states that enact laws to prohibit texting and hand-held cell phone use while driving. While we wish the states would enact these common-sense safety measures on their own, the history of highway safety tells us that many states will fail to act unless we give them an incentive to do so.

To qualify for a federal grant, a state must enact an absolute ban on texting while driving. No exceptions. There should be no exception for a driver taking his or her eyes off the road. For states to receive the grant, the prohibition on texting must have significant penalties, including increased fines and other penalties for a driver who causes an accident while texting.

The second requirement for a State to receive a grant is to enact a law that bans holding a cell phone while driving. When people drive, both hands should be on the wheel. The grant program does not ask states to completely ban cell phone use by drivers; our legislation would allow the use of a hands-free device during a phone call. We also allow states to make exceptions for holding a cell phone to call for emergency services.

States qualifying for the grant must completely ban cell phone use by drivers under the age of 18. A driver under 18 years old may not even use a hands-free device. For these inexperienced drivers, the additional distraction of using a cell phone can be deadly. Many parents already encourage their teenage drivers to not use a cell phone while driving. But having the police enforce this law will be even more effective.

With more States enacting a ban on texting and hand-held cell phone use, we need to get the message out so that drivers obey the law. Our legislation would create a new national education campaign based upon the tremendous success of the recent drunk driving and seat belt advertising campaigns. These advertising campaigns are not only an opportunity to remind people of the law, but also a means by which to educate drivers about the dangers of texting and cell phone use. This education can change driver behavior even when law enforcement might not be present.

In addition to nationwide advertising, we also will direct NHTSA to target some local markets with advertising in states and cities that have already passed texting and cell phone use laws.

Unlike passenger vehicle drivers, a truck driver's vehicle is also his or her

office space. Devices to receive directions, follow-up on orders, or maintain contact with dispatchers are necessary to perform a truck driver's duties. These devices, too, can become distractions, as they require eyes and attention to be removed from the roadway. Therefore, this legislation would require the Secretary of Transportation to issue regulations within one year specifically on the use of electronic and wireless devices by commercial motor vehicle drivers and those who operate certain school buses. The Secretary would be authorized to ban the use of certain devices if the Secretary determines that they interfere with the safe operation of a commercial motor vehicle. The bill also would allow the Secretary to permit exceptions for emergency uses. We need to make sure that commercial motor vehicle drivers are operating their trucks and buses in the safest manner possible.

Furthermore, this legislation will require that states, as part of their federal grant for data collection, begin collecting distracted driving data about each vehicle crash, starting with the police reports of the crash. By requiring law enforcement officers to inquire about the possible role that texting or cell phone use might have played in a crash, and requiring states to collect that data, we can better understand the scope and causes of the distracted driving problem.

To bolster the new data collection at the state level, this legislation would require the Transportation Secretary to establish a dedicated program at the Transportation Department to study all forms of distracted driving across all modes of transportation. Better research is essential to finding the best strategies for reducing deaths and injuries caused by distracted driving.

This legislation also charges the Federal Communications Commission with studying potential initiatives to raise awareness and reduce the problems caused by distracted driving. By bringing aboard the agency with oversight of wireless carriers, we add another stakeholder that can help us develop creative solutions to address this problem.

One last note about this legislation: it is paid for. The grant program that encourages states to enact a primary seat belt law has run a surplus in recent years as the number of states enacting a new primary seat belt law has slowed. Any state that enacts a new primary seat belt law in 2010 and 2011 would still receive their safety belt grant. But the remainder of the funding for that program will be redirected for the nationwide distracted driving advertising campaigns, and sent as grants to states that prohibit texting and hand-held cell phone use.

Creating incentives for states to take action against distracted driving, launching a nationwide campaign to educate drivers about the dangers of texting and cell phone use, and collecting better data about driver behav-

ior will result in fewer deaths and injuries on our nation's roads.

I ask my colleagues to support this comprehensive bill that will save lives and prevent injuries by reducing distracted driving.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 323—HONORING EDWARD W. BROOKE, III, FORMER UNITED STATES SENATOR FOR THE COMMONWEALTH OF MASSACHUSETTS, ON THE OCCASION OF HIS 90TH BIRTHDAY

Mr. BURRIS (for himself, Mr. KERRY, and Mr. KIRK) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 323

Whereas Edward W. Brooke, III, served in the United States Senate with great dedication, integrity, and professionalism as a trusted colleague from the Commonwealth of Massachusetts;

Whereas Edward Brooke was the first African American elected by popular vote to the United States Senate and was the first African American to serve in the United States Senate since the Reconstruction Era;

Whereas Edward Brooke served on the Commission on Civil Disorders under President Lyndon B. Johnson, where his work on discrimination in housing served as the basis for the Fair Housing Act of 1968 (42 U.S.C. 3601 et seq.);

Whereas Edward Brooke was awarded the Presidential Medal of Freedom on June 23, 2004;

Whereas Edward Brooke was awarded the Congressional Gold Medal on October 28, 2009;

Whereas Edward Brooke's long and distinguished career in public service included serving in the United States Army during World War II, as Attorney General for the Commonwealth of Massachusetts, and as chairman of the board of the National Low Income Housing Coalition; and

Whereas Edward Brooke celebrated his 90th birthday on October 26, 2009: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges and honors the unprecedented and enduring achievements and contributions made by Edward W. Brooke, III, during his distinguished career of public service to the United States; and

(2) congratulates and expresses best wishes to Edward Brooke on the celebration of his 90th birthday.

SENATE RESOLUTION 324—DESIGNATING NOVEMBER 1, 2009, AS "NATIONAL HEMANGIOMA TREATMENT AWARENESS DAY"

Mr. GRAHAM submitted the following resolution; which was considered and agreed to:

S. RES. 324

Whereas hemangiomas are the most common benign tumors that occur in infancy;

Whereas hemangiomas appear at birth, or within the first several months of life;

Whereas, each year, approximately 400,000 children in the United States are born with hemangiomas and other vascular anomalies;

Whereas hemangiomas and other vascular anomalies can have a negative effect on the emotional development of a child;